

House Daily Reader

Wednesday, March 05, 2003

Bills Included				
HB 1163	HB 1190	HB 1192	HB 1211	SB 23
SB 35	SB 61	SB 80	SB 102	SB 144
SB 145	SB 149	SB 168	SB 170	SB 174
SB 177	SB 220			

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

831I0612

SENATE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1163** -

02/27/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Peterson (Bill), Cutler, Elliott, Frost, Hennies, Konold, Kroger, Miles, Sebert, Smidt, Solum, Van Etten, and Wick and Senators McCracken, Abdallah, Brown, Duniphan, Kloucek, Koetzle, Kooistra, Moore, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to hunting in public
2 rights-of-way.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-9-1.1 be amended to read as follows:

5 41-9-1.1. Except for controlled access facilities as defined in § 31-8-1, interstate highways,
6 unimproved section lines not commonly used as public rights-of-way, and highways within parks
7 or recreation areas or within or adjoining public shooting areas or game refuges posted for
8 restriction of an applicable use as hereinafter set forth by the Department of Game, Fish and
9 Parks, § 41-9-1 does not apply to fishing, trapping, or hunting on highways or other public
10 rights-of-way within this state that meet the requirements of § 41-9-1.3. For purposes of this
11 section, hunting on highways or other public rights-of-way includes:

12 (1) The shooting at or taking by legal methods of small game, except mourning dove, that
13 are located within the boundaries of the highway or public right-of-way;



(2) The shooting at or taking by legal methods of small game, except mourning dove, that are in flight over private land if the small game has either originated from or has taken flight from the highway or public right-of-way or if the small game is in the process of flying over the highway or public right-of-way.

No person, except the adjoining landowner or any person receiving written permission from the adjoining landowner, may use such highways or rights-of-way for the purposes of hunting defined in this title within ~~six hundred sixty feet of an occupied dwelling, a church, schoolhouse, or livestock~~ a six hundred sixty-foot safety zone surrounding an occupied dwelling, a church, schoolhouse, or livestock. Neither the person discharging a firearm at small game nor the small game being shot at may be within the safety zone. No person, except the adjoining landowner or any person receiving written permission from the adjoining landowner, may use such highways or rights-of-way for the purpose of trapping within six hundred sixty feet of an occupied dwelling, church, or schoolhouse. A violation of this section is a Class 2 misdemeanor. If any person is convicted of knowingly discharging a firearm within six hundred sixty feet of any occupied dwelling, church, or schoolhouse for which such distance has been clearly and accurately marked and posted, the court shall, in addition to any other penalty, revoke the person's hunting privileges for a period of one year from the date of conviction.

Section 2. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as follows:

In order to protect the public safety, it is the intent of the Legislature that hunting from highways or other public rights-of-way be accomplished without the use of motorized vehicles. Therefore, the following restrictions apply to such hunting:

(1) No person hunting small game from any highway or other public right-of-way pursuant to § 41-9-1.1 may discharge a firearm at any small game animal unless the

1 motor vehicle by which the person has been transported to the hunting location has,
2 to the maximum extent practical, been parked off the main traveled portion of the
3 highway or public right-of-way in a manner that does not create an unreasonable risk
4 of injury or damage to other persons or property using the highway or public right-of-
5 way;

6 (2) If the person who discharges the firearm is more than fifty yards from the vehicle, the
7 doors on the side of the vehicle nearest the roadway shall be closed, but the engine
8 may be running; and

9 (3) If the person who discharges the firearm is less than fifty yards from the vehicle, all
10 of the vehicle doors shall be closed and the engine shall be turned off.

11 A violation of this section is a Class 2 misdemeanor.

12 Section 3. That chapter 41-9 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any person who, while hunting a road right-of-way, recklessly or negligently endangers
15 another person, or puts that person in fear of imminent serious bodily harm, is guilty of a Class
16 1 misdemeanor.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

385I0595

SENATE ENGROSSED NO. **HB 1190** - 03/03/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Pederson (Gordon), Adelstein, Haverly, Hennies, Kraus, McCoy, McLaughlin, and Van Etten and Senators Vitter, Ham, and Napoli

1 FOR AN ACT ENTITLED, An Act to limit the ability of certain municipalities to annex territory
2 in the vicinity of certain airports and to authorize noncontiguous annexation of certain
3 municipal airport property and the exercise of certain extraterritorial jurisdiction.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No other municipality may annex any territory within one and one-quarter miles of any parcel
8 of land operated as a municipal airport by an airport board organized pursuant to chapter 50-6.
9 However, if the governing body of the airport-operating municipality consents, by resolution,
10 to such a proposed annexation by another municipality, the provisions of this section do not
11 apply to the extent of the waiver provided in the consent resolution of the airport-operating
12 municipality.

13 Section 2. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 If any municipality other than a municipality that operates a municipal airport by an airport



1 board organized pursuant to chapter 50-6 has annexed between March 15, 2003, and July 1,
2 2003, any territory within one and one-quarter miles of any exterior boundary of such a
3 municipal airport, the governing body of the airport-operating municipality may, by resolution,
4 within sixty days of the date of such annexation, void all or any portion of such annexation within
5 one and one-quarter miles of the exterior boundary of such municipal airport.

6 Section 3. That chapter 9-4 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 If a municipality operates an airport organized pursuant to Title 50 outside the corporate
9 limits of the municipality, the restrictions of § 9-4-1 against annexation of noncontiguous
10 territory do not apply to the annexation of the airport by such municipality. If the municipality
11 annexes such airport, the municipality may exercise extraterritorial jurisdiction pursuant to
12 chapter 11-6, but only to the extent of one and one-quarter miles of the exterior boundary of the
13 airport property. Such one and one-quarter mile extraterritorial jurisdiction supercedes the three-
14 mile extraterritorial jurisdiction of any other municipality or jurisdiction of any other
15 governmental entity, except as provided in Title 50.

16 Such one and one-quarter mile extraterritorial jurisdiction does not include property located
17 within the corporate limits of another municipality. However, the latter municipality may not
18 allow any airport hazards as defined in Title 50 in its corporate limits within the one and one-
19 quarter mile extraterritorial jurisdiction around the airport property.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

195I0403

SENATE ENGROSSED NO. **HB 1192** - 03/03/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Lintz, Begalka, Hargens, Klaudt, Lange, Pederson (Gordon),
and Van Gerpen and Senators Duenwald, Dennert, Duxbury, Kleven, Symens,
and Vitter

1 FOR AN ACT ENTITLED, An Act to revise the procedure for assessing certain agricultural and
2 nonagricultural acreage property.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of chapter 10-6, agricultural land may be assessed based on
7 its agricultural income value if there are less than fifteen arms-length transactions of agricultural
8 land during the three preceding assessment years. The agricultural income value of agricultural
9 land shall be determined on the basis of the capitalized annual cash rent of the agricultural land.
10 The capitalized annual cash rent shall be based on data collected and analyzed pursuant to section
11 2 of this Act. For the purposes of this section, arms-length transactions do not include any
12 agricultural land sales subject to the provisions of § 10-6-33.14, 10-6-33.20, or 10-6-74.

13 Section 2. That chapter 10-6 be amended by adding thereto a NEW SECTION to read as
14 follows:



1 For the purposes of section 1 of this Act, the agricultural income value shall be determined
2 using capitalized annual cash rent. The annual cash rent is the annual cash rent, excluding the per
3 acre tax on agricultural land, determined through an analysis of arms-length rental agreements
4 collected within the county in the year prior to the year for which the income value is being
5 determined. However, no arms-length rental agreements for irrigated land may be used to
6 determine the annual cash rent pursuant to this section. The annual cash rent shall be capitalized
7 at seven and three-fourths percent.

8 The secretary of revenue may enter into a contract for the collection of cash rent information
9 by county. Cash rent information shall be adjusted by soil survey statistics if available.

10 Section 3. That § 10-13-37.1 be amended to read as follows:

11 10-13-37.1. For purposes of section 1 of this Act and §§ 10-3-41, 10-12-31.1, and 10-13-37,
12 the secretary of revenue shall calculate a factor for each county for the agricultural and
13 nonagricultural valuations. The factor shall be calculated by using the sales of arms-length
14 transactions and the assessments from the preceding assessment year. The secretary shall take
15 into consideration any reappraisals completed by the director of equalization. If there are less
16 than fifteen sales of either class, the secretary shall use the preceding year's sales of that class
17 with current assessments. In the case of agricultural land, sales may also be bridged in from
18 adjoining counties if there are less than fifteen sales.

19 Section 4. That § 10-6-33.15 be amended to read as follows:

20 10-6-33.15. For the purposes of § 10-6-33.14, the agricultural income value shall be
21 determined using capitalized actual annual cash rent. The actual annual cash rent is the actual
22 annual cash rent, excluding the actual per acre tax on agricultural land, determined through an
23 analysis of actual arm's length rental agreements collected within the county in the year prior to
24 the year for which the income value is being determined. The annual cash rent shall be capitalized

1 at ~~eight~~ seven and three-fourths percent.

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

391I0364

SENATE ENGROSSED NO. **HB 1211** - 03/03/2003

Introduced by: Representatives Bradford, Adelstein, Bartling, Elliott, Engels, Gillespie, Glenski, Hanson, Hennies, Hundstad, Hunhoff, Kroger, Lange, Miles, Nesselhuf, Olson (Mel), Peterson (Jim), Sigdestad, Valandra, and Van Norman and Senators Moore, Abdallah, and Kloucek

1 FOR AN ACT ENTITLED, An Act to allow the housing of prisoners from other jurisdictions
2 on Indian reservations under certain circumstances.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 24-11-3 be amended to read as follows:

5 24-11-3. If there is no jail or juvenile detention facility in the county, or if the jail or juvenile
6 detention facility in the county is crowded, unsafe, or otherwise insufficient to conform to the
7 requirements of this chapter, every judicial or executive officer of the county who has the power
8 to order, sentence, or deliver any person to the county jail or juvenile detention facility may
9 order, sentence, or deliver such person to the jail or juvenile detention facility of any near or
10 adjoining state, Indian reservation, county, organized township, or municipality, pursuant to a
11 written agreement to house such prisoner. The written agreement shall contain provisions
12 addressing liability issues and facility standards, shall contain appropriate provisions assuring that
13 the agency housing the prisoner shall release the prisoner to the county from which the prisoner
14 was committed within two days of receiving a request from the committing county, and shall also



1 contain a waiver of any applicable sovereign immunity on any issue involving such prisoner. Any
2 written agreement with a federally recognized Indian tribe shall receive approval from the Bureau
3 of Indian Affairs prior to the delivery of any prisoner. The county from which the prisoner was
4 committed shall pay to the agency housing the prisoner all expenses of keeping and maintaining
5 the prisoner in the jail or juvenile detention facility, including the cost of building depreciation,
6 administration, and a reasonable charge for obsolescence of the facility and all other tangible and
7 intangible costs.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0207

HOUSE ENGROSSED NO. **SB 23** - 02/24/2003

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Department of Agriculture

1 FOR AN ACT ENTITLED, An Act to grant counties greater authority to prohibit the use of
2 fireworks during periods of extreme fire danger.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 34-37-19 be amended to read as follows:

5 34-37-19. Any county may, by resolution, regulate or prohibit the use of fireworks outside
6 the boundaries of any municipality in those areas where the fire danger, as determined by use of
7 the rangeland fire index as established by rule promulgated pursuant to chapter 1-26, by the
8 secretary of agriculture ~~or his designee~~, has reached the extreme category in that county ~~for two~~
9 ~~consecutive days~~ during the period from June twentieth ~~through June twenty-seventh~~ to July
10 fifth, inclusive. During such period, the county's action is suspended if the rangeland fire index
11 falls below the very high category and shall again become effective if the rangeland fire index
12 reaches the extreme category.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0276

HOUSE TAXATION COMMITTEE ENGROSSED NO. **SB 35** - 03/04/2003

This bill has been extensively amended (houghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to exempt certain gross receipts from sales and use taxes.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 There are hereby exempted from the provisions of this chapter and the tax imposed by it,
6 gross receipts received by a retailer from a manufacturer, wholesaler, or distributor pursuant to
7 a written contract between the retailer and manufacturer, wholesaler, or distributor that requires
8 the retailer to display the manufacturer, wholesaler, or distributor's product or signage in a
9 specified manner or location. Any discount or deferred payment received by a retailer from a
10 distributor, wholesaler, or manufacturer for purchasing a product for sale at retail does not
11 constitute gross receipts subject to the tax imposed by this chapter.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0512

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. **SB 61** - 02/28/2003

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase the tax on cigarettes and other tobacco products
2 and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-50-3 be amended to read as follows:

5 10-50-3. A tax is imposed, whether or not a sale occurs, at the following rates on all
6 cigarettes held in this state for sale by any person:

7 Class A, on cigarettes weighing not more than three pounds per thousand, ~~sixteen~~ thirty-one
8 and one-half mills on each cigarette.

9 Class B, on cigarettes weighing more than three pounds per thousand, ~~sixteen~~ thirty-one and
10 eight-tenths mills on each cigarette.

11 Section 2. That § 10-50-61 be amended to read as follows:

12 10-50-61. In addition to the tax imposed by § 10-50-3, there is imposed, whether or not a
13 sale occurs, a tax upon all tobacco products in this state and upon any person engaged in
14 business as a licensed distributor or licensed wholesaler thereof, at the rate of ~~ten~~ twenty percent
15 of the wholesale purchase price of such tobacco products. ~~Such~~ The tax shall be imposed at the



1 time the distributor or wholesaler brings or causes to be brought into this state tobacco products
2 for sale; makes, manufactures, or fabricates tobacco products in this state for sale in this state;
3 or ships or transports tobacco products to dealers in this state to be sold by those dealers. For
4 the purposes of this chapter, wholesale purchase price is the price for which a manufacturer sells
5 tobacco products to a licensed distributor or licensed wholesaler exclusive of any discount or
6 other reduction.

7 Section 3. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
9 force and effect from and after its passage and approval.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0554

HOUSE ENGROSSED NO. **SB 80** - 02/26/2003

Introduced by: The Committee on Appropriations at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the Richard Hagen-Minerva Harvey memorial
2 scholarship program and to make an appropriation therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Pursuant to the donation and intent of Minerva I. Harvey, deceased August 25,
5 1999, as expressed by Article 2 of her Last Will and Testament and presented for probate in the
6 State of New Jersey, Gloucester County Surrogate's Court, there is hereby established within the
7 Department of Education and Cultural Affairs the Richard Hagen-Minerva Harvey memorial
8 scholarship program.

9 Section 2. The Richard Hagen-Minerva Harvey memorial scholarship program shall be
10 administered by a five-member board named the Richard Hagen-Minerva Harvey Memorial
11 Scholarship Board which is hereby established. The members shall be appointed by the Governor
12 for a term of five years, except that the initial appointments shall be for periods of one, two,
13 three, four, and five years. The Governor shall appoint one member as the temporary chair of the
14 board. The board shall elect officers at its first meeting. The board shall meet no more than four
15 times a year, not including telephonic conferences, as may be necessary to complete its
16 responsibilities as prescribed by this Act. No more than three members of the board may be of



the same political party. At least two members of the board shall be enrolled members of a tribe located in South Dakota. A majority of the board shall be present either personally or telephonically to constitute a quorum.

Section 3. In order to be eligible for a Richard Hagen-Minerva Harvey memorial scholarship award, a student shall:

- (1) Have graduated from a South Dakota accredited high school;
- (2) Have met high school graduation requirements established by rules promulgated pursuant to chapter 1-26 by the Department of Education and Cultural Affairs;
- (3) Attend a public or nonpublic accredited university, college, or technical institute located in South Dakota; and
- (4) Be an enrolled member, or lineal descendant of an enrolled member, of a tribe whose reservation is located in whole or part in South Dakota.

Section 4. Scholarship award payments shall be made to the institution at the beginning of the fall or spring semester on behalf of the eligible student who has received a Richard Hagen-Minerva Harvey memorial scholarship. The amount of the award is as follows:

- (1) Not less than one thousand dollars for the first year of attendance;
- (2) Not less than one thousand dollars for the second year of attendance;
- (3) Not less than one thousand five hundred dollars for the third year of attendance; and
- (4) Not less than two thousand five hundred dollars for the fourth year of attendance.

Section 5. The board may award no more than seven scholarships per year.

Section 6. In order to maintain eligibility, a student who has been awarded a Richard Hagen-Minerva Harvey memorial scholarship shall:

- (1) Maintain a cumulative 2.5 grade point average on a 4.0 grade point scale;
- (2) Be continuously enrolled for the fall and spring semesters in a public or nonpublic

1 accredited university, college, or technical institution; and

2 (3) Complete the equivalent of at least fourteen credit hours of instruction per semester.

3 Section 7. If factors beyond the control of a student who has been awarded a Richard Hagen-
4 Minerva Harvey memorial scholarship prevent the student from meeting the requirements in
5 section 6 of this Act, the board may temporarily waive the requirements of section 6 of this Act
6 as eligibility criteria.

7 Section 8. The Department of Education and Cultural Affairs shall provide necessary support
8 services to the board created by this Act.

9 Section 9. There is hereby continuously appropriated to the Department of Education and
10 Cultural Affairs any other fund expenditure authority necessary for the department to accept and
11 expend money the department may receive from any source for the purpose for providing a
12 Richard Hagen-Minerva Harvey memorial scholarship.

13 Section 10. The secretary of the Department of Education and Cultural Affairs shall approve
14 vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

15 Section 11. The Department of Education and Cultural Affairs may promulgate rules
16 pursuant to this Act and chapter 1-26 to accept applications for a Richard Hagen-Minerva
17 Harvey memorial scholarship, establish criteria to award a Richard Hagen-Minerva Harvey
18 memorial scholarship, and to maintain eligibility for a Richard Hagen-Minerva Harvey memorial
19 scholarship.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

634I0469

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 102 - 02/20/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators McCracken, Dempster, Koetzle, Olson (Ed), and Sutton (Dan) and
Representatives Heineman, Elliott, Frost, Hennies, Pederson (Gordon), and
Peterson (Bill)

1 FOR AN ACT ENTITLED, An Act to limit certain liquor license renewal fees.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That section 1 of House Bill 1100, as previously enacted by the Seventy-eighth
4 Session of the South Dakota Legislature be amended to read as follows:

5 Section 1. That § 35-4-2 be amended to read as follows:

6 35-4-2. Classes of licenses, with the fee of each class, follow:

7 (1) Distillers -- four thousand dollars. However, no license fee is required for
8 manufacturers of alcohol for use in industry as a nonbeverage. If such manufacturer
9 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or
10 dispose of alcohol for any use other than an industrial use, the license fee required by
11 this section shall be allocated to and payable for the portion of the year the
12 manufacturer devoted to such other use for each calendar month or fraction thereof
13 while so engaged, but in no case less than one-twelfth of said license fee;

14 (2) Wholesalers of alcoholic beverages -- five thousand dollars;



- 1 (3) Off-sale -- not less than five hundred dollars in municipalities of the first class, not
2 more than four hundred dollars in municipalities of the second class, and not more
3 than three hundred dollars in municipalities of the third class. The renewal fee for such
4 licenses may not exceed five hundred dollars in municipalities of the first class, four
5 hundred dollars in municipalities of the second class, and three hundred dollars in
6 municipalities of the third class;
- 7 (4) On-sale -- in municipalities of various classes: municipalities of the first class, not less
8 than one dollar for each person residing within the municipality as measured by the
9 last preceding federal census, the renewal fee for such license is fifteen hundred
10 dollars; municipalities of the second class, no more than twelve hundred dollars;
11 municipalities of the third class, no more than nine hundred dollars;
- 12 (5) Off-sale licenses issued to municipalities under local option -- not less than two
13 hundred fifty dollars;
- 14 (6) On-sale licenses issued outside municipalities -- except as provided in § 35-4-11.9, not
15 less than the maximum that the municipality to which the applicant is nearest is
16 charging for a like license in that municipality, the renewal fee shall be the same as is
17 charged for a like license in the nearest municipality. However, if the nearest
18 municipality is more than fifteen miles from the on-sale license, the fee shall be
19 established pursuant to § 35-4-11.10. If the municipality to which the applicant is
20 nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a
21 specified fee, then the fee shall be the maximum amount that could be charged as if
22 the municipality had not been authorized to obtain on-sale licenses pursuant to
23 § 35-3-13. However, if the nearest municipality is a municipality of the first class and
24 is authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be

1 more than one hundred fifty percent of the minimum a municipality not so authorized
2 may charge for a like license. The renewal fee shall be the same as could be charged
3 for a like license in the nearest municipality;

4 (7) Solicitors -- twenty-five dollars;

5 (8) Transportation companies -- twenty-five dollars;

6 (9) Carrier -- one hundred dollars, which fee entitles the licensee to sell or serve alcoholic
7 beverages on all conveyances the licensee operates within the state;

8 (10) Dispensers -- ten dollars;

9 (11) On-sale dealers at publicly operated airports -- two hundred fifty dollars;

10 (12) On-sale dealers in wine for Sunday -- five hundred dollars;

11 (13) Convention facility on-sale -- not less than one dollar for each person residing within
12 the municipality as measured by the last preceding federal census, the renewal fee for
13 such license, in municipalities of the first class, is fifteen hundred dollars; the renewal
14 fee for such license, in municipalities of the second class, is no more than twelve
15 hundred dollars; the renewal fee for such license, in municipalities of the third class,
16 is no more than nine hundred dollars;

17 (14) Manufacturers of malt beverages -- five hundred dollars;

18 (15) Wholesalers of malt beverages -- four hundred dollars;

19 (16) Malt beverage retailers, being both package dealers and on-sale dealers -- two
20 hundred fifty dollars;

21 (17) Malt beverage package dealers -- one hundred fifty dollars;

22 (18) On-sale dealers in light wine containing not more than six percent alcohol by weight
23 for each day of the week between the hours of seven o'clock a.m. and two o'clock
24 a.m. to nonprofit corporations established pursuant to chapter 7-27 -- two hundred

1 dollars; and

2 (19) Off-sale package wine dealers in table wines, sparkling wines, and sacramental wine

3 to be operated in conjunction with a farm winery established pursuant to chapter

4 35-12 -- one hundred fifty dollars.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

559I0652

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 144** - 03/03/2003

Introduced by: Senators Bogue and McCracken and Representatives Smidt and Michels

1 FOR AN ACT ENTITLED, An Act to revise the rules promulgation process.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 1-26-4.7 be amended to read as follows:

4 1-26-4.7. The interim rules review committee may require an agency to revert to any step
5 in the adoption procedure provided in § 1-26-4 ~~or~~. The interim rules review committee may
6 require an agency to hold public hearings in addition to those provided for in § 1-26-4 if, in the
7 judgment of the committee:

8 (1) ~~There has been a significant substantive alteration of~~ The substance of the proposed
9 rule has been significantly rewritten from the originally proposed rule which was not
10 the result of testimony received from the public hearing; or

11 (2) The proposed ~~rules need~~ rule needs to be significantly rewritten in order to
12 accomplish the intent of the agency.

13 If the committee requires an agency to revert to any step in the adoption procedure pursuant
14 to this section, the time limitations set by chapter 1-26 shall also revert to the same step.

15 Section 2. That § 1-26-5 be amended to read as follows:

1 1-26-5. Prior to the adoption or amendment of an emergency rule, an agency shall publish
2 a notice of intent to adopt an emergency rule in the manner prescribed in § 1-26-4.1 and shall
3 serve on the person specified by subdivision 1-26-4(1), each member of the Interim Rules
4 Review Committee, and the director:

- 5 (1) A copy of the proposed rule, which shall bear a special number to distinguish it from
6 a permanent rule;
- 7 (2) Any publication described in § 1-26-6.6 which shall be returned to the agency upon
8 completion of the director's review and retained by the agency; and
- 9 (3) A statement, with the reasons therefor, that the emergency procedure is necessary
10 because of imminent peril to the public health, safety, or welfare, is necessary to
11 prevent substantial unforeseen financial loss to state government, or is necessary
12 because of the occurrence of an unforeseen event at a time when the adoption of a
13 rule in response to such event by the emergency procedure is required to secure or
14 protect the best interests of the state or its residents.

15 No agency may use the emergency rule adoption procedure for the convenience of the
16 agency merely to avoid the consequences for failing to timely promulgate rules.

17 Section 3. That § 1-26-38 be amended to read as follows:

18 1-26-38. The Interim Rules Review Committee may, by an affirmative vote of not less than
19 ~~three-fourths~~ a majority of the members of the committee, suspend provisional rules or rules
20 which have not become effective. To suspend a rule, the committee shall:

- 21 (1) Give the agency which promulgated the rule at least two weeks notice of a hearing
22 on the proposed suspension;
- 23 (2) Hold a hearing, which may be in conjunction with a regular committee meeting. At
24 the hearing, the burden of proof that the rule is necessary and does not violate any

1 constitutional or statutory provision or the legislative intent when authority to
2 promulgate the rule was given, is on the agency;

3 (3) File an appropriate resolution of such action with the secretary of state.

4 The suspension is effective from the date of such filing. A suspended rule shall remain
5 suspended until July first of the year following the year in which it became, or would have
6 become, effective, and may not be enforced during that period.

State of South Dakota

SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

444I0525

HOUSE ENGROSSED NO. **SB 145** - 02/24/2003

Introduced by: Senators Sutton (Duane), Dennert, Duxbury, Moore, Sutton (Dan), and Symens and Representatives Burg, Elliott, Frost, Hundstad, and Novstrup

1 FOR AN ACT ENTITLED, An Act to revise certain Central Plains Water Development District
2 boundaries.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-3A-2 be amended to read as follows:

5 46A-3A-2. The Central Plains Water Development District is hereby established. The Central
6 Plains Water Development District includes all of ~~Hand County; Franklin, Union, Banner, Spring~~
7 ~~Lake, Illinois, Eden, Valley, Douglas, Washington, Loomis, Lincoln, William Hamilton,~~
8 ~~Holabird, Highmore, and Bramhall townships in Hyde County; Peoria, Mentor, Bryon, Logan,~~
9 ~~Blunt, Bretton, Harrold, Buckeye, Dry Run, and Canning townships in Hughes County; Lake and~~
10 ~~Elk townships in Sully County; Enterprise, Freedom, Emerson, Fairview, Saratoga, Pulaski,~~
11 ~~Myron, Devoe, Wesley, Bryant, Tamworth, Lafoon, Centerville, Pioneer, Orient, Arcade,~~
12 ~~Hillsdale, and Zell townships in Faulk County; Exline, Redfield, Lodi, Frankfort, Lake, Tulare,~~
13 ~~Crandon, Lincoln, Buffalo, Garfield, Belmont, and Cornwall townships in Spink County; Nance,~~
14 ~~Bonilla, Altoona, Pleasant View, Whiteside, Allen, Broadland, Fairfield, Iowa, Wessington,~~
15 ~~Wolsey, Hartland, Theresa, Valley, Sand Creek, Vernon, Dearborn, Clyde, Custer, Burr Oak,~~



- 1 ~~Kellogg, Carlyle, Grant, and Clifton townships in Beadle County; Faulk, Hand, Hughes, Hyde,~~
- 2 ~~and Sully counties~~ and all municipalities that lie wholly or partially within the included area or
- 3 that are contiguous to the included area.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

573I0475

SENATE ENGROSSED NO. **SB 149** - 02/22/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Moore and Olson (Ed) and Representatives Sebert and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the sale or marketing
2 of unstamped cigarettes.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-50-32 be amended to read as follows:

5 10-50-32. No ~~distributor may sell, and no other person,~~ other than a person licensed pursuant
6 to § 10-50-9, may sell, offer for sale, display for sale, or possess with intent to sell, advertise for
7 sale, ship or cause to be shipped, or possess with intent to deliver to another person, any
8 cigarettes which do not bear stamps or an imprint impressed by a suitable metering machine
9 approved by the secretary as provided by this chapter, evidencing the payment of the tax imposed
10 by this chapter.

11 A violation of this section is a Class 2 misdemeanor. Any subsequent violation is a Class 6
12 felony.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

607I0654

SENATE COMMERCE COMMITTEE ENGROSSED NO. **SB 168** - 02/13/2003

Introduced by: Senators Dempster and Sutton (Dan) and Representatives Williamson, Engels,
and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding variable life insurance
2 policies.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 58-28-30 be amended to read as follows:

5 58-28-30. Except for §§ 58-15-13, 58-15-14, 58-15-15, 58-15-17, 58-15-18, 58-15-19,
6 58-15-21, 58-15-22, 58-15-29, 58-15-31, 58-15-32, 58-15-33, 58-15-34, 58-15-35, 58-15-36,
7 58-15-38, 58-15-39, and 58-27-108, as in the case of a variable life insurance policy,
8 §§ 58-15-57, 58-15-62, 58-15-64, 58-15-65, 58-15-66, 58-15-72 to 58-15-81, inclusive, and
9 58-27-108, as in the case of a variable annuity contract and except as is otherwise provided in
10 this chapter, all pertinent provisions of the insurance code ~~shall~~ apply to separate accounts and
11 contracts relating thereto.

12 Section 2. That chapter 58-28 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Except if variable death benefits are used to pay premiums, the payment of variable death
15 benefits in excess of any minimum death benefits, cash values, policy loans, or partial



1 withdrawals, or the payment of variable death benefits in excess of any partial surrenders, may
2 be deferred either:

- 3 (1) For up to six months from the date of the request, if the payments are based on policy
4 values that do not depend on the investment performance of the separate account; or
- 5 (2) For any period during which the New York stock exchange is closed for trading,
6 except for normal holiday closing, or for any period during which the securities and
7 exchange commission determines that a state of emergency exists which may make
8 such payment impractical.

9 Section 3. That chapter 58-28 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 The director may promulgate rules pursuant to chapter 1-26 relating to variable life insurance
12 policies. In promulgating the rules, the director shall give substantial consideration to the
13 standards contained in the National Association of Insurance Commissioners (NAIC) Variable
14 Life Insurance Model Regulation and otherwise design the rules to achieve uniformity, to the
15 degree reasonably possible, in the standards for variable life insurance. The rules shall be limited
16 to the following:

- 17 (1) Standards for suitability of sales and sales materials;
- 18 (2) Policy benefit and design requirements;
- 19 (3) Establishment and administration of separate accounts;
- 20 (4) Disclosure requirements; and
- 21 (5) Definition of terms.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0559

HOUSE EDUCATION COMMITTEE ENGROSSED NO. **SB 170** - 03/04/2003

Introduced by: The Committee on Education at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase the per student allocation in the state aid to
2 education formula.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 13-13-10.1 be amended to read as follows:

5 13-13-10.1. Terms used in this chapter mean:

- 6 (1) "Average daily membership," the average number of resident and nonresident
7 kindergarten through twelfth grade pupils enrolled in all schools operated by the
8 school district during the previous regular school year, minus average number of
9 pupils for whom the district receives tuition, except pupils described in subdivision
10 (1A) and pupils for whom tuition is being paid pursuant to § 13-28-42 and plus the
11 average number of pupils for whom the district pays tuition;
- 12 (1A) Nonresident students who are in the care and custody of the Department of Social
13 Services, the Unified Judicial System, the Department of Corrections, or other state
14 agencies and are attending a public school may be included in the average daily
15 membership of the receiving district when enrolled in the receiving district. When



counting a student who meets these criteria in its general enrollment average daily membership, the receiving district may begin the enrollment on the first day of attendance. The district of residence prior to the custodial transfer may not include students who meet these criteria in its general enrollment average daily membership after the student ceases to attend school in the resident district;

(2) "Adjusted average daily membership," calculated as follows:

(a) For districts with an average daily membership of two hundred or less, multiply 1.2 times the average daily membership;

(b) For districts with an average daily membership of less than six hundred, but greater than two hundred, raise the average daily membership to the 0.8293 power and multiply the result times 2.98;

(c) For districts with an average daily membership of six hundred or more, multiply 1.0 times their average daily membership;

(3) "Index factor," is the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor for the year before the year immediately preceding the year of adjustment or three percent, whichever is less;

(4) "Per student allocation," ~~for the period January 1, 1997, to June 30, 1997, inclusive, is \$1,675. For school fiscal year 1998, beginning on July 1, 1997, the per student allocation shall be \$3,350 increased by the index factor~~ for school fiscal year 2004 is \$3,967.88. Each school fiscal year thereafter, the per student allocation ~~shall be~~ is the previous fiscal year's per student allocation increased by the index factor, ~~plus the enrollment adjustment;~~

(5) "Local need," the per student allocation multiplied by the adjusted average daily

1 membership;

2 (6) "Local effort," the amount of ad valorem taxes generated in a school fiscal year by
3 applying the levies established pursuant to § 10-12-42;

4 (7) "General fund balance," the unreserved fund balance of the general fund, less general
5 fund exclusions plus, beginning with transfers made in fiscal year 2001, any transfers
6 out of the general fund for the previous school fiscal year;

7 (8) "General fund balance percentage," is a school district's general fund balance divided
8 by the school district's total general fund expenditures for the previous school fiscal
9 year, the quotient expressed as a percent;

10 (9) "General fund base percentage," is the general fund balance percentage as of June 30,
11 2000. However, the general fund base percentage can never increase and can never
12 be less than twenty percent;

13 (10) "Allowable general fund balance," the fund base percentage multiplied by the district's
14 general fund expenditures in the previous school fiscal year;

15 (11) "Imputed interest rate," the average prime rate for the preceding fiscal year minus 2.5
16 percentage points;

17 (12) "General fund exclusions," revenue a school district has received from the imposition
18 of the excess tax levy pursuant to § 10-12-43; revenue a school district has received
19 from gifts, contributions, grants, or donations; revenue a school district has received
20 under the provisions of §§ 13-6-92 to 13-6-96, inclusive; and any revenue in the
21 general fund set aside for a noninsurable judgment.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

670I0670

HOUSE HEALTH AND HUMAN SERVICES

COMMITTEE ENGROSSED NO. **SB 174** - 03/04/2003

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Sutton (Dan), Diedrich (Larry), Moore, and Olson (Ed) and
Representatives Juhnke, Bartling, Olson (Mel), and Peterson (Bill)

- 1 FOR AN ACT ENTITLED, An Act to establish a comprehensive health association to provide
2 health insurance coverage to eligible persons.
3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
4 Section 1. There shall be established a comprehensive health association to provide health
5 insurance coverage to eligible persons.



State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

565I0597

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 177** - 03/03/2003

Introduced by: Senators de Hueck and Knudson and Representatives Garnos, Cradduck, and Van Gerpen

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to contested cases under
2 the Administrative Procedures Act and the Office of Hearing Examiners.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-26-18.3 be amended to read as follows:

5 1-26-18.3. In a any contested case, if the amount in controversy exceeds two thousand five
6 hundred dollars or if a property right may be terminated, any party to the contested case may
7 require the agency to use the Office of Hearing Examiners by giving notice of the request no later
8 than ten days ~~prior to the hearing. Except as otherwise provided for cases arising under Title 61,~~
9 ~~if such requesting party does not prevail, the Office of Hearing Examiners shall require the~~
10 ~~requesting party to pay the cost of the services rendered in hearing the contested case after~~
11 service of a notice of hearing issued pursuant to § 1-26-17.

12 Section 2. That § 1-26D-10 be amended to read as follows:

13 1-26D-10. Within ten days after written notification to the parties of the appointment of a
14 hearing examiner in any contested case, any party to that contested case may file an affidavit
15 requesting the appointment of another hearing examiner. The chief hearing examiner shall then



1 appoint another hearing examiner to hear that contested case. Each party may file only one such
2 affidavit in any contested case.

3 Section 3. That § 1-26-17 be amended to read as follows:

4 1-26-17. The notice shall include:

- 5 (1) A statement of the time, place, and nature of the hearing;
- 6 (2) A statement of the legal authority and jurisdiction under which the hearing is to be
7 held;
- 8 (3) A reference to the particular sections of the statutes and rules involved;
- 9 (4) A short and plain statement of the matters asserted. If the agency or other party is
10 unable to state the matters in detail at the time the notice is served, the initial notice
11 may be limited to a statement of the issues involved. Thereafter upon application a
12 more definite and detailed statement shall be furnished;
- 13 (5) A statement of any action authorized by law, which may affect the parties, as a result
14 of any decision made at the hearing, whether it be the revocation of a license, the
15 assessment of a fine or other effect;
- 16 (6) A statement that the hearing is an adversary proceeding and that a party has the right
17 at the hearing, to be present, to be represented by a lawyer, and that these and other
18 due process rights will be forfeited if they are not exercised at the hearing;
- 19 (7) A statement that if the amount in controversy exceeds two thousand five hundred
20 dollars or if a property right may be terminated, any party to the contested case may
21 require the agency to use the Office of Hearing Examiners by giving notice of the
22 request to the agency no later than ten days after service of a notice of hearing issued
23 pursuant to § 1-26-17;
- 24 (8) A statement that the decision based on the hearing may be appealed to the circuit

1 court and the State Supreme Court as provided by law.

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0757

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB 220** - 03/03/2003

Introduced by: The Committee on Education at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to establish the Dakota Corps scholarship program, to
2 provide for its funding, to make an appropriation therefor, and to declare an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The Dakota Corps scholarship program is hereby established within the
5 Department of Education and Cultural Affairs. The purpose of the Dakota Corps scholarship is
6 to encourage South Dakota's high school graduates to remain in South Dakota upon completion
7 of their postsecondary education and to contribute to South Dakota and its citizens.

8 Section 2. Terms used in this Act mean:

- 9 (1) "Department," the Department of Education and Cultural Affairs;
- 10 (2) "Secretary," the secretary of the Department of Education and Cultural Affairs;
- 11 (3) "Eligible institution," a public university, college, or technical school or a participating
12 private university, college, or technical school that is accredited by the North Central
13 Association of Colleges and Schools and provides instruction from a campus located
14 in South Dakota;
- 15 (4) "Participating private university, college, or technical school," a nonpublic institution



1 that agrees to waive tuition and fees, provide scholarships, or provide other financial
2 grants to the eligible student in an amount such that the tuition waiver, scholarships,
3 and other financial grants are at least equal to the difference between the institution's
4 tuition and fees and the Dakota Corps tuition award;

5 (5) "Area of critical need," an occupation within South Dakota for certain employers in
6 certain geographical areas as specified by rules promulgated by the department;

7 (6) "Dakota Corps tuition award," an amount not to exceed the maximum tuition and fees
8 for sixteen credit hours at an institution of higher education under the control of the
9 South Dakota Board of Regents.

10 Section 3. In order to be eligible for a Dakota Corps scholarship a person shall:

11 (1) Have graduated from an accredited South Dakota high school;

12 (2) Apply for a Dakota Corps scholarship within one year of graduation from high school
13 or within one year of the person's release from active duty with an active component
14 of the armed forces if the release is within five years of the person's graduation from
15 high school;

16 (3) Have a composite score of 24 or greater on the test administered by American
17 College Testing Program and have graduated from high school with a grade point
18 average of 2.8 or greater on a 4.0 scale;

19 (4) Agree in writing to stay in South Dakota and work in an area of critical need for a
20 period of five years following graduation from an eligible institution; and

21 (5) Enroll in or be accepted for enrollment by an eligible institution for a course of study
22 leading to a baccalaureate or technical degree from an eligible institution.

23 Section 4. In order to maintain eligibility for a Dakota Corps scholarship a person shall:

24 (1) Maintain a 2.8 grade point average on a 4.0 scale and complete at least thirteen credit

1 hours of instruction per semester;

2 (2) Attend an eligible institution for eight consecutive spring and fall terms or until the
3 person has earned a baccalaureate or technical degree; and

4 (3) Completed fewer than one hundred twenty-eight credit hours of instruction.

5 Section 5. The secretary may award Dakota Corps scholarships only to the extent that funds
6 are available to provide scholarships. If the amount of money in the Dakota Corps scholarship
7 fund is insufficient to provide a Dakota Corps scholarship to all eligible applicants, the secretary
8 shall consider a person's grade point average, composite score on the test administered by the
9 American College Testing Program, and financial need to award a Dakota Corps scholarship.

10 Section 6. If a person has been awarded a Dakota Corps scholarship, the department shall
11 pay the person's tuition and fees not to exceed the Dakota Corps tuition award on behalf of the
12 person to the eligible institution at the time that tuition and fees are normally paid.

13 Section 7. A person who has received a Dakota Corps scholarship is not required to repay
14 any part of the scholarship if within six months of earning a baccalaureate or technical degree the
15 person is continuously employed in South Dakota for a period of sixty consecutive months in an
16 area of critical need.

17 Section 8. If a person who has received a Dakota Corps scholarship does not maintain
18 eligibility as specified in section 4 of this Act, the person shall reimburse the state the amount of
19 Dakota Corps scholarship paid on behalf of the person, excluding any tuition waivers,
20 scholarships, or other financial grants received pursuant to this Act, according to a repayment
21 schedule set by the department according to rules promulgated pursuant to chapter 1-26.

22 Section 9. If a person who has received a Dakota Corps scholarship does not meet the
23 requirement in section 8 of this Act, the person shall reimburse the state the amount of Dakota
24 Corps scholarship paid on behalf of the person, excluding any tuition waivers, scholarships, or

1 other financial grants received pursuant to this Act, to the department according to a repayment
2 schedule set by the department according to rules promulgated pursuant to chapter 1-26. The
3 amount of repayment shall be based on the ratio of sixty months minus the number of months a
4 person was continuously employed in an area of critical need to sixty months.

5 Section 10. If a person who has received a Dakota Corps scholarship is unable to maintain
6 eligibility or remain employed in an area of critical need for sixty consecutive months due to
7 factors outside the control of the person, the secretary may waive or delay the repayment
8 provisions of this Act.

9 Section 11. A person who has received a Dakota Corps scholarship shall annually report to
10 the department the person's academic and occupational status on forms prescribed by the
11 department.

12 Section 12. There is hereby created in the state treasury a separate fund known as the Dakota
13 Corps scholarship fund. Money from any source for the purpose of providing to scholarships
14 pursuant to this Act shall be deposited into the Dakota Corps scholarship fund. Any money
15 repaid pursuant to section 9 or 10 of this Act shall be deposited into the Dakota Corps
16 scholarship fund.

17 Section 13. There is hereby continuously appropriated to the department any money in the
18 Dakota Corps scholarship fund for the purpose of providing scholarships pursuant to this Act.

19 Section 14. The secretary shall approve vouchers and the state auditor shall draw warrants
20 to pay expenditures authorized by this Act.

21 Section 15. The department may promulgate rules, pursuant to chapter 1-26, to define
22 occupations and geographical areas as areas of critical need, determine the amount of the Dakota
23 Corps tuition award, establish procedures for the awarding and acceptance of Dakota Corps
24 scholarships, monitor the academic and occupational status of persons who have received a

1 Dakota Corps scholarship, establish financial need criteria, and establish repayment schedules.

2 Section 16. If any clause or other portion of this Act is held invalid, that decision does not
3 affect the validity of the remaining portions of this Act. It is hereby declared that all such
4 remaining portions of this Act are severable, and that the Legislature would have enacted the
5 remaining portions if the portions that may be held to be invalid had not been included in this
6 Act.

7 Section 17. Whereas, this Act is necessary for the support of the state government and its
8 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
9 force and effect from and after its passage and approval.